

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE RIVERKEEPER, INC.,)	
)	
PLAINTIFF,)	
)	
v.)	Case No. 3:23-cv-01369
)	
CITY OF LEBANON, TENNESSEE,)	JURY TRIAL DEMANDED
)	
Defendant,)	
)	

**DEFENDANT CITY OF LEBANON, TENNESSEE’S UNOPPOSED MOTION TO
CONTINUE CASE MANAGEMENT CONFERENCE**

Defendant City of Lebanon, Tennessee (the “City”) respectfully moves to continue the initial case management conference presently set for March 12, 2024, at 9:30 a.m. As grounds for this motion, the City states as follows:

1. On December 26, 2023, Plaintiff Tennessee Riverkeeper, Inc. (“Plaintiff”) filed its Complaint against the City, alleging violations of the Clean Water Act. *See* Doc. No. 1.
2. On December 27, 2023, the Court entered an order setting the initial case management conference for March 12, 2024, at 9:30 a.m. *See* Doc. No. 6.
3. On February 29, 2024, the City filed its Answer to the Complaint. *See* Doc. No. 14. In its Answer, the City referenced a near-final Consent Order it had negotiated with the Tennessee Department of Environment and Conservation (“TDEC”) that addressed some of the allegations in Plaintiff’s Complaint. *Id.* ¶¶ 3, 7–8, 29–30, 40.
4. Since filing the Answer, the City has executed the Consent Order. TDEC has not yet executed the document; however, all terms and conditions have been agreed to, and the City

expects the Consent Order to be fully executed in the near future. The City's counsel has provided Plaintiff's counsel with a copy of the Consent Order.

5. The parties are scheduling a time to discuss the Consent Order and related issues that may have implications for Plaintiff's claims in this case. However, due to scheduling conflicts, they will be unable to discuss these matters before the current deadline for submitting their proposed case management order.

6. Additionally, the undersigned counsel will be out of town on March 12, when the case management conference is currently set, and for the rest of that week.

7. To give the parties an opportunity to discuss the Consent Order and its possible implications before preparing a proposed case management order, and because of the undersigned's travel schedule, the City respectfully requests that the initial case management conference be continued and rescheduled for a mutually agreeable date and time. The City would propose rescheduling for a date in late March.

8. Pursuant to Local Rule 7.01(a), counsel for the parties have conferred, and Plaintiff's counsel has advised that they do not oppose this motion.

Dated: March 6, 2024

Respectfully submitted,

/s/ Bartholomew J. Kempf

Bartholomew J. Kempf (BPR #035412)

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the below:

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/s/ Bartholomew J. Kempf

Bartholomew J. Kempf